



1638

IMAGE

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: November 23, 2004 Name: Richard G. Lione

Signature:

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Atsuhiko Shinmyo et al.

Appln. No.: 10/049,710 ✓

Filed: September 4, 2002

For: METHOD OF INDUCING GENE
EXPRESSION IN PLANT AND PLANT
TREATED THEREBY

Examiner: Cynthia E. Collins

Art Unit: 4595

Attorney Docket No: 5404/18

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Requirement for Restriction (1p); and
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
☐ Small Entity.
☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(____).
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+\$150=			+\$300=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Richard G. Lione (Reg. No. 19,795)

November 23, 2004

Date



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addressed to: Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on November 23, 2004

Date of Deposit

Richard G. Lione, Reg. No. 19,795

Name of applicant, assignee or
Registered Representative

Signature

November 23, 2004

Date of Signature

Our Case No. 5404/18

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Atsuhiko Shinmyo et al.

Serial No.: 10/049,710

Filing Date: September 4, 2002

For: METHOD OF INDUCING GENE
EXPRESSION IN PLANT AND
PLANT TREATED THEREBY

Examiner: Cynthia E. Collins

Group Art Unit No.: 4595

RESPONSE TO REQUIREMENT FOR RESTRICTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of October 29, 2004, Applicants hereby elect to prosecute the claims drawn to a method of inducing gene expression in a plant (Group One, Claims 1-27). The election is made without traverse. The remaining claims are retained in the application pending the filing of divisional applications.

Respectfully submitted,

Richard G. Lione, Reg. No. 19,795
Attorney for Applicant

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